

**Town of Acton**

**NOTICE**

**APPROVAL OF BYLAW AMENDMENTS**

**August 16, 2004**

**On the above date, I posted attested copies of the amendments to the Town bylaws under Articles 23, 24, 26, 28 through 43 which were passed at the Annual Town Meeting that first convened on April 5, 2004. These bylaws were approved by Attorney General, Thomas F. Reilly on August 11, 2004 and are posted at the following places in the Town of Acton:**

**Nagog Woods Post Office, Town Hall, West Acton Post Office, Center Post Office, South Acton Fire Station, Acton Memorial Library.**

**And the following other places: West Acton Fire Station, and the Police Station.**

**Maps pertaining to these articles are on file in the Town Clerk's office and the Planning Board.**

**Copies of all amendments / documents are available for review at the Town Clerk's office and at the Planning Department.**

**CLAIMS OF INVALIDITY BY REASON OF ANY DEFECT IN THE  
PROCEDURE OF ADOPTION OR AMENDMENTS OF THESE BYLAWS  
MAY ONLY BE MADE WITHIN NINETY DAYS (90) PER CHAPTER 40,  
SECTION 32, OF THE GENERAL LAWS OF THE COMMONWEALTH.**

**Edward J. Ellis  
Town Clerk / Constable**

**EXCERPT OF THE ANNUAL TOWN MEETING HELD APRIL 5, 2004  
WITH ADJOURNED SESSIONS HELD APRIL 7, APRIL 12 AND APRIL 13, 2004**

Number of Registered voters attending Town Meeting			
APRIL 5,	APRIL 7,	April 12,	April 13,
18	354	253	123

**GENERAL BYLAW**

**ARTICLE 38            AMEND TOWN BYLAW – EAST ACTON VILLAGE PLAN**  
(Majority vote) **PROHIBITION OF MOTORIZED CRAFT ON ICE HOUSE POND**

To see if the Town will vote to amend Chapter E of the Bylaws of the Town of Acton by inserting a new section E57 as follows:

**E57.    Motorized Craft on Ice House Pond:**

Except for emergency rescue and law enforcement purposes, and for purposes of construction and maintenance by the Town of Acton or its designee, no person shall launch, place, float, use, or land a craft with an internal combustion engine in or on Ice House Pond, which pond is located off Concord Road in the East Acton area. The Police Officers of the Town of Acton shall enforce this bylaw. Violation of this bylaw shall be punishable by a fine of three hundred dollars (\$300.00), whereby each incident of violating this bylaw and each day that such violation continues shall constitute a separate offense.

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ZONING BYLAWS**

**ARTICLE 23 #            AMEND ZONING BYLAW – 80 AND 84 PIPER ROAD**  
(Two-thirds vote)

(# This article submitted by Citizen Petition)

To see if the Town of Acton will vote to amend the zoning map as follows:

Rezone to R-2 (Residence 2) the following parcel or parcels of land identified by their map and parcel number as shown in the 2003 Town Atlas. Map G3, parcels 69 and 65, present zoning OP-2 (Office Park 2), 80 and 84 Piper Road (see grid to Abstract of April 1, 1996 Annual Town Meeting), said parcels directly abutting other parcels which were rezoned to R-2 (Residence 2) by Special Town Meeting of January 8, 2001, or to take any other action relative thereto.

**MOTION;**

**Mr. Melon** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 24 #**  
(Two-thirds vote)

**AMEND ZONING BYLAW**  
**VEHICLE WHOLESALE AND STORAGE AS AN ACCESSORY USE**  
(# This article submitted by Citizen Petition)

To see if the Town of Acton will vote to amend the zoning bylaw, section 3.8.2 (ACCESSORY USES permitted in the Office, Business, and Industrial Districts) by inserting a new sub-section 3.8.2.7 as follows:

- 3.8.2.7 In the Light Industrial District and on contiguous adjacent land for which the Board of Appeals has previously granted a USE variance permitting a USE allowed in the Light Industrial District, the purchase of new vehicles; the wholesale, but not retail sale, of used vehicles; and the temporary outdoor storage of such new and used vehicles provided that:
- 3.8.2.7.1 The LOT, or the property consisting of two or more contiguous LOTS in single ownership, contains at least 15 acres.
  - 3.8.2.7.2 Such USE is accessory to an operations center and offices of a vehicle rental or leasing company.
  - 3.8.2.7.3 Such vehicles are at all times registered with the Commonwealth of Massachusetts Registry of Motor Vehicles while on the premises.
  - 3.8.2.7.4 No such vehicle exceeds a gross vehicle weight of 10,000 pounds and a wheel base of 135 inches.
  - 3.8.2.7.5 All such vehicles are stored in the rear yard out of sight and fully screened from view from any STREET.
  - 3.8.2.7.6 All such vehicles are stored at least 200 feet away and fully screened from view from any pre-existing dwelling that is not on the same LOT or property.
  - 3.8.2.7.7 The transport and loading/unloading of such vehicles to and from the LOT or property occurs only on weekdays between the hours of 6:00 AM and 9:00 PM.
  - 3.8.2.7.8 The storage of such vehicles may use vacant or excess parking capacity that, regardless of the requirements of section 6 of this bylaw, is not needed for employees and customers of the businesses on the LOT or property.

, or take any other action relative thereto.

**MOTION:**

**Mr. Brendan Cotter** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION TO AMEND**

Mrs. Knibbe moves to amend the motion by adding to subsection 3.8.2.7.8 as follows:  
The storage of such vehicles shall conform to any applicable Federal and State Storm Water Management regulation and policies.

**MOTION TO AMEND IS LOST**

**ORIGINAL MOTION CARRIES BY 2/3 VOTE**

**ARTICLE 26**

**AMEND ZONING BYLAW – OUTDOOR LIGHTING REGULATIONS**

(Two-thirds vote)

To see if the Town will vote to amend the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

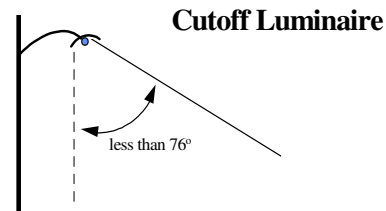
- A. In section 10.4 – Site Plan Special Permit, delete section 10.4.3.2 – Outdoor Lighting and replace it with the following:

10.4.3.2 Outdoor Lighting – Developments and redevelopments requiring a Site Plan Special Permit or an amendment thereof, shall comply with the standards for outdoor lighting set forth in section 10.6.

[*Note: Section 10.4.3.2 contains the graphic shown here and currently reads:*

10.4.3.2 Outdoor Lighting – In the area of new construction all outdoor lighting, with the exception of pedestrian lighting with a height of less than eight feet, shall be designed and located so that:

- 1) the luminaire has an angle of cutoff less than 76 degrees;
- 2) a line drawn from the height of the luminaire along the angle of cutoff intersects the ground at a point within the development site, and
- 3) the bare light bulb, lamp or light source is completely shielded from direct view at any point five feet above the ground on neighboring properties or **STREETS**. Pedestrian lighting with a height of less than eight feet shall be regulated through the Building Commissioner's Office.]



- B. Insert a new section 10.6 as set forth below:

10.6 Outdoor Lighting Regulations for Site Plan Special Permits. This section uses defined terms that apply specifically in this section. These terms are defined in section 10.6.6 below and are capitalized in addition to the terms defined in section 1.3 of this bylaw. Figures and Tables referred to in this section are located in section 10.6.7 below.

10.6.1 Applicability –

10.6.1.1 The following regulations shall apply to all LUMINAIRES, including existing LUMINAIRES, whose LAMP wattage exceeds the values contained in Table 1, Column A, on any LOT undergoing new development, or a major modification or expansion under a Site Plan Special Permit. A major modification, as used here, shall mean that more than 25% of the LUMINAIRES on the LOT are modified, moved or replaced. A major expansion, as used here, shall mean that the number of LUMINAIRES on a LOT increases by more than 25% of the original number.

10.6.1.2 LUMINAIRES installed before the effective date of this bylaw shall be maintained or, if necessary, modified, to meet the zoning bylaw applicable at the time of their installation.

10.6.2 Standards

10.6.2.1 LUMINAIRE design and shielding – Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column A, shall be SHIELDED. Any LUMINAIRE whose LAMP wattage exceeds the values in Table 1, Column B shall be FULLY SHIELDED (Figure 1).

#### *10.6.2.2 Control of LIGHT TRESPASS and GLARE –*

- a) Any LUMINAIRE whose distance from a LOT line is less than three times its height (3xH) shall be SHIELDED so that all DIRECT LIGHT cast in the direction of STREETS, or abutting LOTS that are in Residential or Conservation USE, is cut off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE (Figure 2). This requirement shall apply to all sides of the LUMINAIRE that emit light toward a LOT line that is less than 3xH away from the LUMINAIRE. The cut-off may be accomplished either by the LUMINAIRE photometric properties, or by a supplementary external shield.*
- b) Additional shields that are installed to control LIGHT TRESPASS and GLARE as required herein shall be designed so that the parts of the shields that are exposed to the DIRECT LIGHT of the LUMINAIRE and visible from STREETS, or abutting LOTS that are in Residential or Conservation USE, shall have a flat-black, low-reflectivity finish.*
- c) LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS is less than 0.8 fc, and onto an abutting LOTS that are in Residential or Conservation USE, including such LOTS abutting on the opposite side of a STREET, is less than 0.3fc. This measurement shall be made with a photometer placed horizontally on the ground at points at the LOT lines. The Lighting Plan (Section 5) shall include calculations demonstrating that this LIGHT TRESPASS criterion will be met.*
- d) LUMINAIRES installed on one LOT to illuminate another LOT, or installed in a STREET, railroad, utility, or other right-of-way to illuminate an adjacent LOT, are prohibited. As used in this subsection, LOT shall always mean LOT as defined in section 1.3 of this Bylaw.*
- e) No single LUMINAIRE shall employ LAMP(s) exceeding a total of 400 watts, not including power for ballast or transformer.*
- f) Strobe and flashing lights, and laser illumination, are prohibited except as allowed under Section 10.6.5 (Exemptions).*

#### *10.6.2.3 Hours of operation –*

- a) All non-residential OUTDOOR LIGHTING, with the exception of STREETLIGHTS and safety or security lighting as defined herein, may be turned on no earlier than one hour before business hours and shall be turned off no later than 11 PM or one half an hour after close of business, whichever is later.*
  - i. Business hours, as used here, is defined as the period of time during which at least one person is present for the purpose of conducting or concluding business on the LOT or in a STRUCTURE on the LOT.*
  - ii. Safety lighting, as used here, is defined as lighting to safeguard the movement of persons by foot or by non-motorized vehicles or by vehicles for disabled persons over hazardous footing or in areas that conflict with vehicle traffic, or lighting for the purpose of aiding the visible detection and recognition of other persons. Safety lighting includes lighting for stairs, pedestrian ramps and tunnels, and pedestrian routes that are reasonably expected to be used after business hours.*
  - iii. Security lighting, as used here, is defined as lighting to protect BUILDINGS, and property stored outdoors.*
- b) Lighting controlled by motion detectors or infrared sensors with an on-time of no more than 10 minutes per activation is exempt from the hours-of-operation*

*restriction. The motion detector shall be adjusted so that normal movement of vehicles and traffic along a STREET or public right of way shall not cause its activation.*

- c) Lighting of recreational facilities must be turned off no later than one half-hour after the end of use.*
- d) Lighting of the United States Flag and public monuments is exempt from these hours of operation provisions.*

#### *10.6.2.4 Special Provisions –*

- a) Externally Illuminated Signs – Lighting for externally illuminated signs shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 10.6.2.2 (Control of LIGHT TRESPASS and GLARE). It shall be focused directly at the sign display area and SHIELDED so that the LAMP is not visible from STREETS, or abutting LOTS that are in Residential or Conservation USE (Figure 3).*
- b) UP-LIGHTING – UP-LIGHTING is prohibited, except for illumination of the United States Flag, a BUILDING facade or a public monument. For any UP-LIGHTING, the LUMINAIRE shall be equipped with shields as necessary and shall comply with Section 10.6.2.2 including subsections b) through f). It shall be focused directly at the area of the target and SHIELDED so that the LAMP is not visible from a STREET, or a LOT that is in Residential or Conservation USE. Building facade illumination shall not exceed 0.25 watts of LAMP power per square foot of facade surface. The Lighting Plan shall specifically demonstrate compliance for any facade or monument UP-LIGHTING*
- c) Illuminated Outdoor Recreation Facilities – Notwithstanding the requirement of Section 10.6.2.1 (LUMINAIRE design and shielding), the illumination of outdoor recreational facilities such as, but not limited to playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks, shall be by either SHIELDED or FULLY SHIELDED LUMINAIRES. Such lighting shall be exempt from Sections 10.6.2.2.a) (seventy degree cut-off), 10.6.2.2.c) (LIGHT TRESPASS), and 10.6.2.2.e) (LAMPS not to exceed 400 watts per LUMINAIRE). The following requirements shall apply to illuminated outdoor recreation facilities:*
  - i. Such SHIELDED LUMINAIRES shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4). Light poles for recreation facilities may be as high as necessary to adequately illuminate the facility in compliance with the maximum 60-degree elevation angle, but shall not exceed a height of 85 feet. See section 5.3.5.3 of this Bylaw for a special permit to increase pole height.*
  - ii. The LUMINAIRES shall be SHIELDED so that LIGHT TRESPASS onto STREETS, or abutting LOTS in Residential or Conservation USE, is less than 0.8fc. This measurement shall be made with a photometer positioned at the boundary and aimed directly at the LUMINAIRE. The Lighting Plan shall include calculations demonstrating that the LIGHT TRESPASS requirement will be satisfied.*
  - iii. The LAMP shall not be visible from a STREET, or an abutting LOT that is in Residential or Conservation USE. Alternatively, the installer may retain a qualified independent lighting consultant to measure the maximum luminance visible from STREETS, or abutting LOTS that are in Residential or*

*Conservation USE. The measurement report shall be delivered to the Building Commissioner and shall demonstrate that the maximum luminance apparent from a STREET, or an abutting LOT that is in Residential or Conservation USE, is not more than 2500 cd/sq.m.*

- d) *LUMINAIRES in a Local Historic Districts – In Local Historic Districts, LUMINAIRES may be exempted from Section 10.6.2.1 (LUMINAIRE design and shielding) if the Historic District Commission specifically requires LUMINAIRES of a type that is not available in a version that meets the FULLY SHIELDED criterion. In such cases, such LUMINAIRES shall comply with IESNA CUTOFF light distribution standards.*

Illumination for externally illuminated signs in a Local Historic District may be from below using UP-LIGHTING from SHIELDED LUMINAIRES. In this case, the LAMP shall not be visible from a STREET, or from an abutting LOT that is in Residential or Conservation USE, and shields shall comply with Section 10.6.2.2 b) (Visible part of shield has flat-black finish).

### 10.6.3 Total Site Power Limits

10.6.3.1 *This section regulates the total amount of lighting that may be used on a LOT. For simplicity, this is accomplished through regulation of the total amount of outdoor LAMP watts installed on the LOT, instead of the total lumen output. An OUTDOOR LIGHTING installation complies with this section if the actual Total Installed Watt Ratings of all LAMPS is no greater than the Allowed Lighting Power. Ballast and transformer power is not counted in this total.*

10.6.3.2 *The Allowed Lighting Power shall be the sum of contributions calculated according to the Activity Areas listed in sections 10.6.3.2 a) through f) below. Only those spaces on a LOT, which are covered with impervious materials, shall be counted towards Activity Areas. Activity Areas on a LOT shall be clearly marked and labeled on the Site Plan. There shall be no overlapping Activity Areas. For a space to be included in the total of an Activity Area, a LUMINAIRE must be within 100 feet of any such space.*

- a) Parking lots, driveways, walkways, bikeways – 0.1 watts per square foot of the area of parking lots, driveways, walkways, bikeways, and any other outdoor impervious surfaces on the LOT. These Activity Areas include a 5-foot wide margin of grade or landscaping around the impervious surfaces.
- b) BUILDING entrance areas – 13 watts per linear foot of the width of all doors, plus six feet per door.
- c) BUILDING CANOPIES – 0.4 watts per square foot of the ceiling area of walkway CANOPIES. For portions of BUILDING walkway CANOPIES extending over an entrance area, the Allowed Lighting Power may be regulated by section 10.6.3.2.b) above.
- d) Retail sales CANOPIES: 0.9 watt per square foot of the ceiling area of service station and retail sales CANOPIES. Retail sales CANOPIES are covered spaces that are used for display or dispensing of products for sale.
- e) Retail sales frontage – 20 watts per linear foot of sales frontage. Sales frontage is measured along the edge, as viewed from a STREET, of a paved or otherwise improved area used exclusively for the display of vehicles or other large objects for sale. For this purpose, sales frontage shall be assumed to be 20 feet deep.

- f) OUTDOOR SALES AREA – 0.8 watts per square foot times the area of the OUTDOOR SALES AREA. This area shall be specifically for the display and storage of vehicles, structures, or other large objects offered for sale, and shall not include driveways, walkways, service areas, storage, or other uses.

*10.6.3.3 Unlit areas of the LOT may not be used to calculate Allowed Lighting Power. An illuminated area of the LOT is defined as within 100 feet of a LUMINAIRE on the LOT, or, if under a CANOPY, within 25 feet of a LUMINAIRE mounted under the CANOPY.*

#### 10.6.4 Lighting Plan

*10.6.4.1 A Lighting Plan shall be included in all applications for a Site Plan Special Permit that proposes new or replacement lighting installations. For initial developments of land, a major modification (more than 25% of LUMINAIRES being modified or replaced), or a major addition (more than 25% increase in the number of LUMINAIRES), this lighting plan shall be certified to be valid and correct by its designer. The lighting plan shall contain:*

- a) On the site plan – the location, height, shielding type of all existing and proposed outdoor LUMINAIRES, and the wattage rating of all LAMPS in each LUMINAIRE, including BUILDING or CANOPY mounted LUMINAIRES. Any existing off-site LUMINAIRES used to illuminate the LOT shall be included in the Lighting Plan. Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- b) Manufacturer's data – For all LUMINAIRES, whose LAMP wattage is greater than Table 1, Column B, the manufacturer's specification data and technical drawings, including the LUMINAIRE LAMP wattage; photometric data showing that the LUMINAIRE is FULLY SHIELDED, including an electronic copy of the IES photometric file, or a reference to the file location on the manufacturer's web site. Manufacturer's photometric specification that the LUMINAIRE is rated IESNA Full Cutoff (FCO) is sufficient to show that it is FULLY SHIELDED. For all LUMINAIRES whose LAMP wattage is less than values shown in Table 1, Column B but greater than values shown in Table 1, Column A, the manufacturer's specification data and technical drawings showing that it meets the definition of SHIELDED LUMINAIRE.
- c) The data of previous sections a) and b) shall be organized into a table, with one line per LUMINAIRE.
- d) Calculations showing that the maximum LIGHT TRESPASS allowed, Sections 10.6.2.2.c) (Light Trespass) and 10.6.2.4.c) (Outdoor Recreational Facilities), will be satisfied by the design.
- e) Calculation of the Allowed Lighting Power for the LOT according to Section 10.6.3 (Total Site Energy [Power] Limits). Activity areas (Section 10.6.3) shall be clearly marked on the Site Plan.
- f) Calculation of the Total Installed Lighting Power from the LUMINAIRES proposed for installation on the Lighting Plan plus any existing LUMINAIRES intended to remain in use, and demonstration that Total Installed Lighting Power does not exceed the Allowed Lighting Power.

*10.6.4.2 Submission and subsequent approval of a plan does not relieve the applicant of responsibility to demonstrate conformity to all sections of this bylaw, both in the individual LUMINAIRES as built, and for the entire LOT as built. The designer shall*



*submit an as-built plan that correctly reflects the as-built installation, and shall certify that the as-built installation conforms to the requirements of this bylaw.*

**10.6.5 Exemptions – The following lights shall be exempt from the standards of this bylaw:**

*10.6.5.1 Internally illuminated signs.*

*10.6.5.2 Temporary holiday lighting.*

*10.6.5.3 Emergency lighting such as used by the Police, Fire Department, or other official or utility emergency personnel. Placement of longer-term emergency lighting shall, to largest extent possible, take into consideration the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.*

*10.6.5.4 Temporary lighting used on construction sites. All such lighting shall be placed and directed to minimize the detrimental effects of GLARE on passing motorists and pedestrians, and on residential LOTS.*

*10.6.5.5 Lighting during special events such as fairs, celebrations, or concerts sponsored by the Town of Acton or authorized by the Acton Board of Selectmen. Lighting for festivals and carnivals is exempt but should be in keeping with the intent of this ordinance.*

*10.6.5.6 Warning and alarm lights that alert to a malfunction or emergency situation.*

**10.6.6 Definitions**

- CANOPY - an opaque ceiling over installed lighting.
- CUTOFF (CO) – A LUMINAIRE light distribution, specified by the IESNA, where the intensity in candela per 1000 LAMP lumens does not numerically exceed 25 (2.5%) at a vertical angle of 90 degrees above nadir, and 100 (10 %) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FULL CUTOFF (FCO) LUMINAIRE is also a CUTOFF LUMINAIRE.
- DIRECT LIGHT - Light emitted directly from the LAMP, from the reflector or reflector diffuser, or through the refractor or diffuser lens of a LUMINAIRE.
- FOOT CANDLE (fc) - Unit of ILLUMINANCE; One lumen per square foot.
- FULL CUTOFF (FCO) - A LUMINAIRE light distribution, specified by the IESNA, where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1000 LAMP lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. Nadir is the point directly vertically below the LUMINAIRE. A FCO LUMINAIRE is FULLY SHIELDED.
- FULLY SHIELDED: constructed in such a manner that no light emitted by the fixture, either directly from the LAMP or a diffusing element, or indirectly by reflection or refraction from any part of the LUMINAIRE, is projected above a horizontal plane passing through the lowest direct-light-emitting part of the LUMINAIRE. (Figure 1). BUILDING CANOPIES, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the FULLY SHIELDED light cut-off characteristic. This shall be achieved by the LUMINAIRE itself. (Figure 5)
- GLARE -The sensation of visual discomfort or loss in visual performance and visibility produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted.
- INDIRECT LIGHT - DIRECT LIGHT that has been reflected off the surface of any permanently constructed object other than the source LUMINAIRE.

- IESNA or IES - Illuminating Engineering Society of North America. A professional association of lighting engineers and lighting manufacturers generally recognized as the definitive source for illumination recommendations in the United States. An IES photometric file is defined by IESNA standards.
- ILLUMINANCE – The luminous flux incident per unit area, expressed in FOOT CANDLE (one LUMEN per square foot). Horizontal or vertical ILLUMINANCE is that measured with a photometer cell mounted horizontally or vertically.
- LAMP – The light source component of a LUMINAIRE that produces the actual light.
- LIGHT TRESPASS – DIRECT or INDIRECT LIGHT produced by an artificial light source and which shines outside the boundaries of the LOT containing the LUMINAIRE.
- LUMINAIRE – A complete OUTDOOR LIGHTING unit or fixture including a LAMP or LAMPS, together with the parts designed to distribute the light, to position and protect the LAMPS, and to connect the LAMPS to the power supply, but not including a pole on which the LUMINAIRE may be mounted.
- OUTDOOR LIGHTING – The night-time illumination of an outside area or object by a LUMINAIRE located outdoors. LUMINAIRES under a CANOPY are considered outdoor lights and are regulated by this bylaw.
- OUTDOOR SALES AREA – A static display of goods for sale at night, such as automobile sales lots, landscaping and nursery businesses, outdoor construction materials sales lots, and outdoor activity areas such as miniature golf, family fun centers, and permanent swap meets. An OUTDOOR SALES AREA location is not covered by CANOPIES or other STRUCTURES.
- SHIELDED – A LUMINAIRE employing a shield to prevent GLARE. The LUMINAIRE shall have a generally downward distribution of light and must have a top shield to minimize upward light.
- STREETLIGHTS – LUMINAIRES installed within a STREET and intended primarily for the illumination of the STREET.
- UP-LIGHTING – DIRECT LIGHT illumination distributed above a 90 degree horizontal plane through the lowest DIRECT LIGHT emitting part of the LUMINAIRE.

## 10.6.7 Figures and Tables

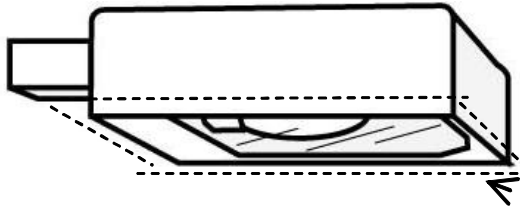


Figure 1A. FULLY SHIELDED. No light emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

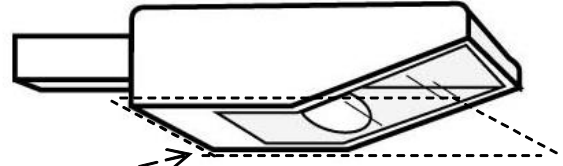
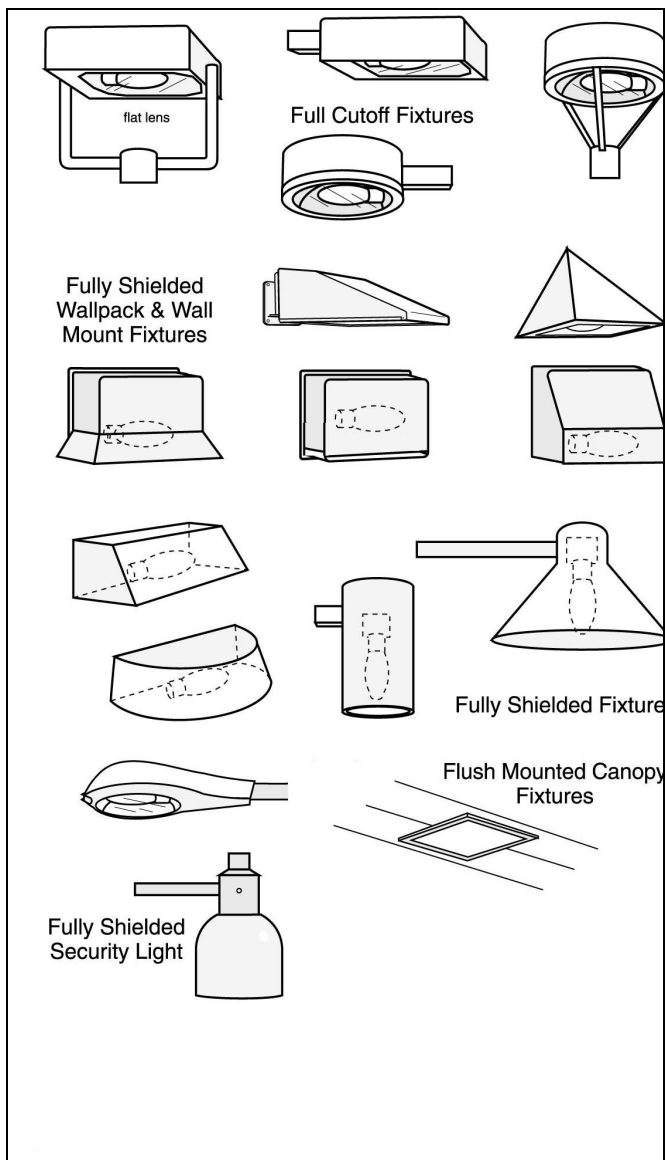
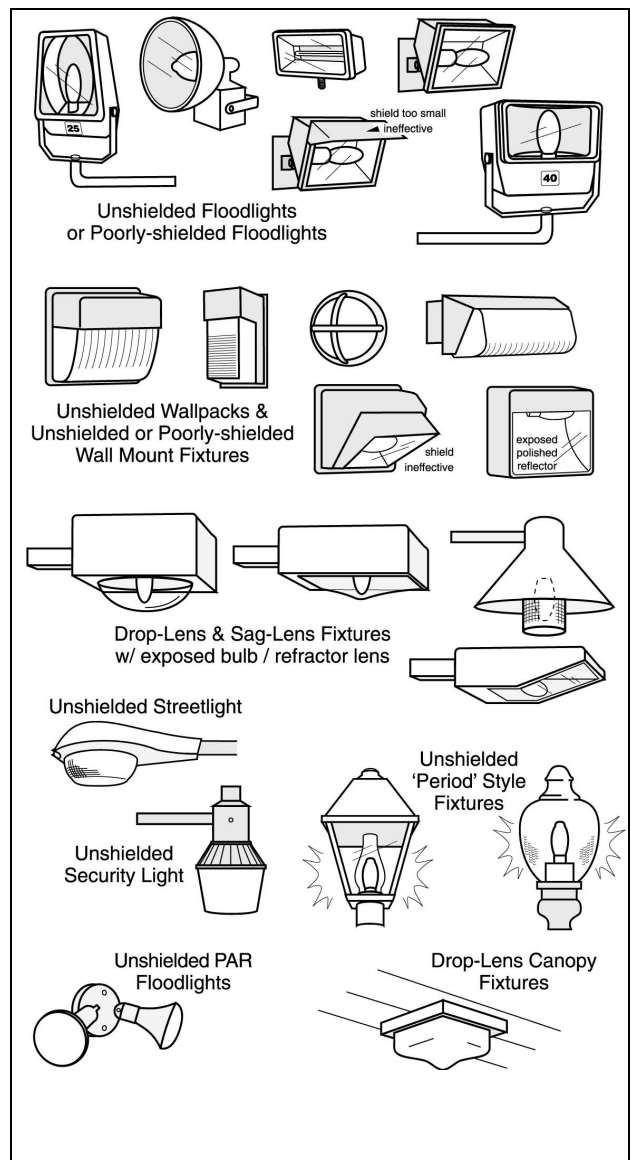


Figure 1B. Not FULLY SHIELDED. Light is emitted above a horizontal plane through the lowest DIRECT-LIGHT-EMITTING part of LUMINAIRE.

### Examples of FULLY SHIELDED LUMINAIRES



### Examples of LUMINAIRES that are NOT FULLY SHIELDED



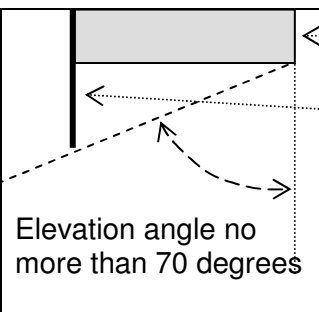
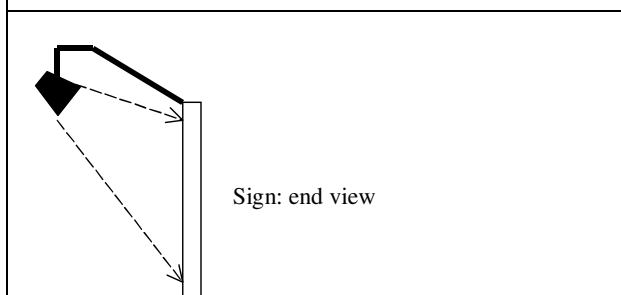
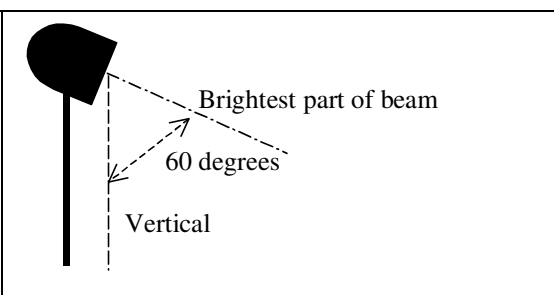
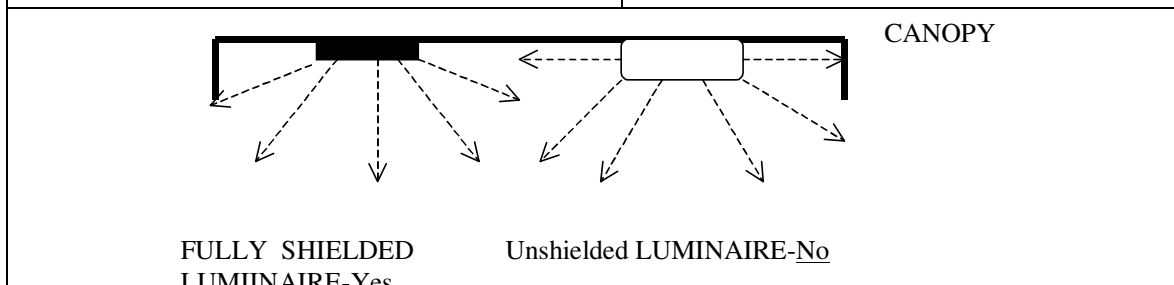
<p>DIRECT LIGHT toward LOT boundary less than 3xH away</p>	 <p>Elevation angle no more than 70 degrees</p>	<p>LUMINAIRE</p> <p>Additional SHIELD. Part of shield visible from residential or conservation LOT or public right of way has flat-black finish.</p>
--	--	--

Figure 2. Any outdoor LUMINAIRE whose distance from the LOT boundary is less than three times its height shall be shielded so that all DIRECT LIGHT cast in the direction of residential or conservation lots and public rights-of-way is cut-off at an angle no more than 70 degrees measured from a vertical line directly below the LUMINAIRE.

 <p>Sign: end view</p> <p>Figure 3. <u>Lighting for externally illuminated signs</u> shall be projected downward from above. The LUMINAIRE shall be SHIELDED and shall comply with Section 3.2 (Control of LIGHT TRESPASS and GLARE).</p>	 <p>Brightest part of beam</p> <p>60 degrees</p> <p>Vertical</p> <p>Figure 4. Illumination for outdoor recreational facilities shall be SHIELDED LUMINAIRES and shall be mounted at sufficient height and aimed so that the brightest part of the beam is elevated no more than 60 degrees above a point directly vertically below the LUMINAIRE (Figure 4)</p>
--	---

 <p>CANOPY</p> <p>FULLY SHIELDED LUMINAIRE-<u>Yes</u></p> <p>Unshielded LUMINAIRE-<u>No</u></p> <p>Figure 5. Building canopies, overhangs, roof eaves and similar types of construction shall not be considered as the means for providing the light cutoff. The cutoff characteristics shall be achieved by the LUMINAIRE itself.</p>	
--	--

*Table 1. LUMINAIRES whose LAMP wattage exceeds the values in Column A of this table shall be SHIELDED. LUMINAIRES whose LAMP wattage exceeds the values in Column B of this table shall be FULLY SHIELDED.*

<i>Lamp type</i>	<i>A; SHIELDED</i>	<i>B; FULLY SHIELDED</i>
<i>Incandescent, Halogen</i>	<i>60 w</i>	<i>120 w</i>
<i>High Pressure Sodium, Metal Halide, Mercury Vapor, other HID</i>	<i>35 w</i>	<i>35 w</i>
<i>Fluorescent, Low Pressure Sodium</i>	<i>13 w</i>	<i>20 w</i>

C. Insert a new section 5.3.5.3 as follows:

*5.3.5.3 In all Districts, the Planning Board may by special permit increase the height limits in the Table of Standard Dimensional Regulations for light poles that illuminate outdoor recreation facilities such as, but not limited to, playing fields, pools, rinks, tennis courts, driving ranges, ski areas, or skateboard parks that are operated as a Recreation, Municipal, or Commercial Recreation USE. In considering a special permit, the Planning Board shall take into account the trade-offs between the height of light poles and the improved illumination of the facility, and it shall weigh any mitigating effects on light trespass and glare. The luminaires on such light poles shall comply with section 10.6.2.4.c) of this bylaw. No such light poles shall exceed a height of 85 feet.*

D. Delete Section 7.4.3.3 and replace it with a new section 7.4.3.3 as follows:

*7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through a stationary external light source, with the light projected downward from above and in compliance with section 10.6.2.4.a) of this bylaw. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.*

[Note: Section 7.4.3.3 currently reads:

7.4.3.3 Except as otherwise provided herein, illumination for any SIGN shall be provided through an external light source which shall be stationary, and concealed or hidden so that it is invisible from any abutting property and practically invisible to the casual passerby on or outside the LOT. Such light source shall be directed primarily onto the SIGN and maintained at a sufficiently low intensity and brightness to avoid glare. In no case shall the illumination of a SIGN cause blinding or otherwise obstruct the safe vision of any traffic participant anywhere. SIGN illumination through an external source shall always be white or off-white.]

, or take any other action relative thereto.

**MOTION;**

**Mr. Shupert** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES BY 2/3 VOTE**

**ARTICLE 28**                    **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)           **VILLAGE GREEN REZONING**

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Limited Business (LB) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map G-4 as parcel 212, or take any other action relative thereto.

**MOTION:**

**Mr. Brown** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 29**                    **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)           **8 WETHERBEE STREET REZONING**

To see if the Town will vote to amend the zoning map, Map No. 1, by rezoning from Small Manufacturing (SM) to East Acton Village (EAV) an area of land shown in the 2003 Town Atlas on map G-5 as parcel 69, or take any other action relative thereto.

**MOTION:**

**Mr. Brown** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 30**                    **AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
(Two-thirds vote)           **EAV DISTRICT USE REGULATIONS**

To see if the Town will vote to amend the zoning bylaw, section 3 as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. In the Table of Principal Uses, delete the EAV column and replace it with a new EAV column as follows [*Y = the use is allowed; N = the use is not allowed; SPA or SPS = the use may be allowed by special permit. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets*]:

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
<b>3.2 GENERAL USES</b>		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
<b>3.3 RESIDENTIAL USES</b>		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y [N]
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y(3) [N(3)]
<b>3.4 GOVERNMENTAL INSTITUTIONAL &amp; PUBLIC SERVICE USES</b>		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	N [SPS]
3.4.5	Public or Private Utility Facilities	SPS [Y]
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	N
3.4.11	Commercial Education or Instruction	Y [SPS]
<b>3.5 BUSINESS USES</b>		
3.5.1	Retail Store	SPS (11) [Y]
3.5.2	Office	SPS (11) [Y]
3.5.3	Health Care Facility	Y
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	Y
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS [N]
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	N [Y]
3.5.15	Commercial Recreation (9)	SPS (11) [SPS]
3.5.16	Commercial Entertainment	Y [N]
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV
3.5.19	Vehicle Service Station	N [SPS]
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N [Y]
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
<b>3.6 INDUSTRIAL USES</b>		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

B. In the Table of Principal Uses, insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

C. Amend section 3.5.5 by adding at its end the following sentence:

“In the EAV District, service through walk-up windows may be allowed, and patios may be open and accessible from the outside.”

*[Note: Section 3.5.5 currently reads:*

*3.5.5 Restaurant – Establishment where food and beverages are sold within a BUILDING to customers for consumption 1) at a table or counter, or 2) on a patio closed on all sides with entrance to the patio normally available only from the BUILDING, or 3) off the premises as carry-out orders, except that drive-up service shall not be allowed, or 4) any combination of the above. In the OP-2 and the TD District, the minimum square footage for an individual restaurant shall be 5,000 square feet measured in NET FLOOR AREA.]*

D. Delete section 3.5.6 and replace it with a new section 3.5.6 as follows:

**3.5.6 Combined Business and Dwelling –** A LOT used for business USES and for not more than four DWELLING UNITS. Business USES and DWELLING UNITS may be in the same BUILDING or in separate BUILDINGS. In the EAV District, the limit of four DWELLING UNITS shall not apply provided that the DWELLING UNITS are in the same BUILDING as business USES, or that not more than four DWELLING UNITS are within a multifamily dwelling. In the NAV District the limit of four DWELLING UNITS shall not apply where dwelling units are created through the application of Sections 5.4 and 5.5.



*[Note: Section 3.5.6 currently reads:*

*Combined Business and Dwelling – A LOT used for business USES and for not more than four DWELLING UNITS except as otherwise provided for in the NAV and EAV Districts. Business USES and DWELLING UNITS may in the same BUILDING or in separate BUILDINGS.]*

E. Insert a new section 3.9.3 as follows:

3.9.3 Nonresidential USES in the EAV District – In the EAV District, only the following USES shall be allowed on the ground floor of commercial or mixed use BUILDINGS: Retail Stores; Restaurants; Hotel, Motel, Inn, Conference Center; Bed & Breakfast; Lodge or Club; Veterinary Care; Services; Commercial Entertainment; Commercial Recreation; real estate agency; insurance agency; travel agency; law office; medical and dental offices; walk-in clinic; and Repair Shop, Technical Shop, Studio.

, or take any other action relative thereto.

**MOTION:**

**Mr. Brown** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 31**  
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
**EAV DIMENSIONAL REGULATIONS**

To see if the Town will vote to amend the zoning bylaw, section 5, Table of Standard Dimensional Regulations, by deleting the line for EAV and replacing it with a new line for EAV as follows: *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the EAV district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV	NR	NR	NR	10 (10)	NR (1)	25%	0.20 (4)	36
	<i>[10,000]</i>	<i>[100]</i>	<i>[50]</i>	<i>[10(9)]</i>	<i>[10(1)]</i>	<i>[35%]</i>		

and, delete in the first sentence of footnote (10) the words “SAV District” and replace them with the words “SAV and EAV Districts”.

*[Note: The first sentence of footnote (10) currently reads: “The maximum front yard shall be ten (10) feet in the WAV District and twenty feet (20’) in the SAV District, or the lesser of the front yards of the two BUILDINGS or STRUCTURES on either side, whichever is the least”.]*

, or take any other action relative thereto.

**MOTION:**

**Mr. Brown** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 32**  
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN  
EAV SPECIAL PROVISIONS**

To see if the Town will vote to amend section 5.5 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Delete section 5.5.1 and place a new purpose statement under the existing title of section 5.5 – Special Provisions for Village Districts, as follows:

“Purposes – The purposes of this section are to set forth specific provisions regarding development scale and intensity in the Village Districts in order to promote compact development patterns, a mixture of housing and businesses, the preservation and vitality of small businesses, pedestrian amenities and pedestrian-scale environments, and environmentally sustainable design and construction.”

[*Note: Section 5.5.1 currently reads:*

*Purpose – The purpose of this Section is to set forth specific provisions regarding development intensity in the Village Districts in order to promote compact development patterns, preservation and vitality of small businesses; and pedestrian-scale environments.*]

- B. After the Purpose statement of section 5.5, insert a new section title as follows:

“5.5A Business Size Limits in Village Districts”

and re-number section 5.5.2 – Maximum Floor Area of Businesses and Industries, to become new section 5.5A.1, and delete the column for EAV in the table of this section and replace it with a new column for EAV as follows [*All limits are expressed in square feet. Where changes are proposed, the current floor area limits are shown in italic print*]:

<b><u>PRINCIPAL USES</u></b>	<b><u>VILLAGE DISTRICTS</u></b>
	<b><u>EAV</u></b>
3.4.11 Commercial Education or Instruction	5,000
3.5.1 Retail Store	7,500 [ <i>5,000</i> ]
3.5.2 Office	7,500 [ <i>5,000</i> ]
3.5.3 Health Care Facility	5,000
3.5.5 Restaurant	5,000
3.5.9 Lodge or Club	5,000 [ <i>NR</i> ]
3.5.10 Veterinary Care	5,000 [ <i>NR</i> ]
3.5.12 Services	5,000
3.5.13 Repair Shop, Technical Shop, Studio	5,000
3.5.14 Building Trade Shop	5,000
3.5.15 Commercial Recreation	7,500 [ <i>NR</i> ]
3.5.16 Commercial Entertainment	5,000 [ <i>NR</i> ]
3.6.3 Manufacturing	NR
NR = No Regulation	

and, for line 3.4.11 insert the letters NR under the column headings NAV, SAV, and WAV.

*[Note: Line item 3.4.11 is a new entry in this table. It is an allowed use by special permit in the other Village Districts, but no size limitations exist for that use in those districts. Line 3.6.3 is an existing entry in the table, but Manufacturing is not an allowed use in the EAV District. Therefore, size regulations are not applicable in this district.]*

C. Insert a new section title 5.5B as follows:

5.5B Special Provisions for the East Acton Village District

and insert a new section 5.5B.1 as follows:

5.5B.1 Design Provisions for the East Acton Village District

- 5.5B.1.1 Purpose – In the East Acton Village District, the principal goal guiding the regulations set forth herein is to sustain and encourage a vital business center that provides needed goods, services, and jobs in a manner that is compatible with Acton's historic development pattern and establishes pedestrian accessibility and circulation throughout the East Acton Village area in order to limit vehicular congestion. These regulations will provide clear guidance to those who would like to expand or locate businesses in the East Acton Village District. They will also ensure that future development will help create the form, cohesion, order, and supporting infrastructure that will identify the East Acton Village District as an attractive, pleasant, and desirable center for business, shopping, and other commercial and community activities.

The layout and design of the sites and BUILDINGS shall be conducive to pedestrian use. The purpose of the design principles herein is to provide convenient and efficient pedestrian access within the East Acton Village District; to connect the East Acton Village District via pedestrian ways to surrounding neighborhoods and facilities which are otherwise separated with landscape buffers; to provide a safe and comfortable pedestrian environment with walkways, pedestrian conveniences and amenities; and to encourage BUILDINGS with a pedestrian oriented scale and design. For more guidance related to the layout and design of sites and buildings in the East Acton Village (EAV) District, please refer to the East Acton Village Plan as amended.

- 5.5B.1.2 The following standards shall apply to all STRUCTURES and additions to STRUCTURES for which a Site Plan Special Permit is required on LOTS in the EAV District:

- a) The Sidewalks – The Site Plan Special Permit Granting Authority shall require sidewalks along the LOT'S FRONTAGE on a STREET or STREETS. The sidewalk shall be at least 10 feet wide but wider where necessary to allow pedestrian shopping and activities to spill out onto the sidewalk. Sidewalks may be located wholly or partially within the STREET layout. If on LOTS, sidewalks shall be considered part of the minimum required OPEN SPACE. The sidewalk shall be separated, where feasible, from the vehicular roadway with a landscaped buffer to provide both safety to pedestrians and to create the sense of village. The landscaped buffer shall consist of shade trees placed at

appropriate intervals and other landscaping and STREET design elements such as benches and shrubs, and it may consist in part of on-STREET vehicular parking spaces.

- b) Walkways – The Site Plan Special Permit Granting Authority shall require walkways among BUILDING entrances using straight and/or gently curving paths connecting BUILDINGS to BUILDINGS, BUILDINGS to STREETS, and BUILDINGS to sidewalks with minimal interruption by driveways. Parking lot aisles, along with access and interior driveways, do not count as walkways. Walkways should include “bulges” to allow for gathering points that may include special features (e.g., water elements, sculptures, statues, etc.). Special features should be designed for public interaction. Benches and other places for people to wait, bicycle racks, stroller bays, and other pedestrian amenities may be required near building entrances if deemed appropriate by the Site Plan Special Permit Granting Authority. Where feasible, walkways should have some degree of enclosure achieved through the use of BUILDING fronts, trees, low hedges, arcades, trellised walks, or other means in order to positively define its space. Walkways and related pedestrian amenities on LOTS under this Section b) and the following Sections c) and d) shall be considered part of the minimum required OPEN SPACE.
- c) Connections between LOTS – The Site Plan Special Permit Granting Authority shall require driveway and walkway connections to abutting LOTS within the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions on abutting LOTS, provisions shall be required to connect to such abutting LOTS at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- d) Connections to EAV Surroundings – The Site Plan Special Permit Granting Authority shall require pedestrian connections to abutting neighborhoods and facilities outside the EAV District using the standards from Section b) above. Where such connections are not available due to existing conditions in the surrounding area, provisions shall be required for such connections at a future date in locations determined by the Site Plan Special Permit Granting Authority.
- e) The Pedestrian Plaza – Where a LOT has on it STRUCTURES totaling a NET FLOOR AREA of 30,000 square feet or more, it shall have one or more pedestrian plazas on it.
  - i. The combined area of pedestrian plazas shall measure at least 5% of the NET FLOOR AREA on the LOT, but not more than 3,000 square feet in combined area shall be required. At least one of the pedestrian plazas shall measure 1,500 square feet or more with a minimum side dimension of 20 feet. No pedestrian plaza shall measure more than 3,000 square feet.
  - ii. The pedestrian plaza shall be a natural gathering spot at the STREET level in front of a BUILDING, on the side of a BUILDING, or in between BUILDINGS, which is to be used exclusively by pedestrians and connects to the sidewalk and walkways. For the purpose of this Section, a pedestrian arcade located within a BUILDING footprint and open to the outdoors may be counted towards the minimum area required for a pedestrian plaza.
  - iii. The pedestrian plaza shall be designed open on one side to an adjacent larger space, natural view, or activity area such as an outdoor cafe, coffee cart, food stand, basketball hoop, game tables, or playground. Within the pedestrian plaza, at least one seating area or activity pocket shall be

placed along the edge of the plaza looking into the plaza. The pedestrian plaza shall be accented with pedestrian amenities such as benches, kiosks and other partly enclosed outdoor structures to facilitate waiting and/or group activities. Where feasible, add a few steps at the edge where stairs come down or where there is a natural change in grade. Make these raised areas immediately accessible from below so that people may congregate and sit to watch the local activity. To create minor boundaries between outdoor areas and/or BUILDINGS where there is no grade change, add "sitting walls". Sitting walls should be no higher than 16 inches and wide enough to sit on (at least 12 inches wide).

- iv. Shade trees, ornamental trees and other landscaping shall be included to provide shelter from the sun, to reduce noise, to beautify/enhance the appearance of the EAV District and to mitigate fumes. All landscaping shall use species that are tolerant to the climatic conditions in Acton and shall be designed to facilitate ongoing maintenance and watering.
  - v. Notwithstanding any other provisions of this Bylaw to the contrary, the serving of foods and drinks at outdoor tables shall be permitted in a pedestrian plaza.
  - vi. A pedestrian plaza shall be considered part of the minimum required OPEN SPACE. The area required for a sidewalk shall not be included in the pedestrian plaza.
- f) Driveways and Parking Lots -
- i. No driveway or parking lot shall be placed in the portion of a LOT that is directly in front of a BUILDING as seen from a STREET, whether or not the BUILDING is located on the same LOT as the driveway or parking lot, except that a driveway and parking lot may be placed in the front of a BUILDING that is located in the rear of another BUILDING when viewed from a STREET. No driveways or parking lots shall be located between a pedestrian plaza and a STREET, nor shall any driveway or parking lot intersect or be mixed with a pedestrian plaza.
  - ii. Vehicular driveways and parking lots may be located to the side and rear of BUILDINGS, to the rear of a pedestrian plaza or underground. Where parking is located to the rear of BUILDINGS with additional BUILDINGS behind, a quadrangle effect should be created allowing parking, landscaping, and walkways / bikeways within this center area surrounded on all sides by shops and activity centers.
- g) BUILDING Design –
- i. At least 60 percent of the front side of a LOT facing a STREET, measured in percentage of linear feet of the LOT FRONTAGE, shall be occupied by BUILDINGS or by a pedestrian plaza that are located within 20 feet of the STREET sideline. A reduction of this requirement of the front side of a LOT may be allowed provided the Site Plan Special Permit Granting Authority finds that the alternative design features are consistent with Section 5.5B.1.1 of this Bylaw.
  - ii. BUILDINGS shall be of a design similar to the architecture in historic commercial centers of New England in terms of scale, massing, roof shape, spacing, and exterior materials. Alternative designs may be allowed provided the Site Plan Special Permit Granting Authority finds the alternative design is consistent with Section 5.5B.1.1 of the Bylaw.

- iii. BUILDING facades facing STREETS or pedestrian plazas are also referred to herein as the BUILDING front(s) or BUILDING front facade(s). Such BUILDING fronts shall have setbacks only to accommodate sidewalks and/or pedestrian plazas or amenities and shall have a vertical orientation, meaning either that the BUILDING shall actually have a greater height than width, or that the facades and roof lines of the BUILDING are designed to reduce the massing and bulk so that it appears as a group of smaller masses with a distinct vertical orientation.
- iv. The BUILDING front facades shall be articulated to achieve a human scale and interest. The use of different textures, shadow lines, uneven angles, detailing and contrasting shapes is required. Not more than 50 feet of a BUILDING front shall be in the same vertical plane.
- v. The BUILDING front facade(s) shall be faced with materials that resemble historic New England architecture.
- vi. On the BUILDING fronts, the ground floor shall be designed to be occupied by businesses with a higher percentage of walk-in traffic (e.g., Retail Stores, Restaurants, Service related businesses, Commercial Entertainment).
- vii. The main business entrance to each ground floor business, identified by the larger doors, signs, canopy, or similar means of highlighting, shall be from the BUILDING front.
- viii. Arcades and canopies are encouraged. They shall not be considered part of the BUILDING. These arcades and canopies should be used to connect the BUILDINGS to one another so that a person can walk from place to place under shelter. Arcades and canopies may be located within the 10-foot front yard setback where the Site Plan Special Permit Granting Authority finds such placement appropriate and consistent with Section 5.5B.1.1 of the Bylaw.
- ix. The BUILDING front(s) shall contain windows covering at least 15 percent of the facade surface. Windows shall be highlighted with frames, lintels, and sills, or equivalent trim features.
- x. Except for ground level display windows, windows shall have a 2:1 ratio of height to width. Alternative window designs may be allowed provided the Site Plan Special Permit Granting Authority finds them to be consistent with Section 5.5B.1.1 of the Bylaw and that they enhance one or more architectural features.
- xi. On the ground level portion of the BUILDING front, the amount of windows in the facade surface shall be at least 20 percent but not larger than 80 percent. Ground floor display windows shall be framed on all sides by the surrounding wall. They shall be highlighted with frames, lintels and sills or equivalent trim features, or may instead be recessed into the wall or projected from the wall.
- xii. Mirror windows and highly reflective surfaces shall not be allowed on the BUILDING fronts.
- xiii. Roofs shall be gabled with a minimum pitch of 9/12 (9" vertical for every 12" horizontal) and have overhanging eaves of at least one foot. Two or three story BUILDINGS, or two or three story portions of a BUILDING, may have a flat roof provided that the tops of the BUILDING front facades are treated with an articulated cornice, dormers, or other architectural

treatment that appears an integral part of the BUILDING from all visible sides of the BUILDING.

- xiv. The main features of the architectural treatment of the BUILDING front facades, including the materials used, shall be continued around all sides of the BUILDING that are visible from a STREET or a pedestrian plaza. The Site Plan Special Permit Granting Authority may approve alternate treatment of side and rear BUILDING walls that is consistent with Section 5.5B.1.1 of the Bylaw and preserves the architectural integrity of the BUILDING as a whole.
- xv. Garage doors or loading docks shall not be allowed in the BUILDING fronts.
- xvi. BUILDING service and loading areas shall incorporate effective techniques for visual and noise buffering from adjacent USES.
- xvii. Accessory STRUCTURES, air conditioning equipment, electric utility boxes, satellite dishes, trash receptacles, and other ground level utilities shall be unobtrusive when viewed from the STREET and adjacent LOTS.
- xviii. Rooftop mechanical equipment shall be screened from public view by the use of architecturally compatible materials.

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 33**

(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN  
SITE PLAN REVIEW THRESHOLD FOR EAV**

To see if the Town will vote to amend the zoning bylaw, section 10, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete the lead paragraph of section 10.4.1.1 and replace it with a new lead paragraph 10.4.1.1:

- 10.4.1.1 In the EAV, SAV, and WAV Districts, a Site Plan Special Permit shall be required in all instances

*[Note: Section 10.4.1.1 currently reads:*

*10.4.1.1 In the WAV and SAV Districts, a Site Plan Special Permit shall be required in all instances*

*1) for the initial development of land specified in Section 3, Table of PRINCIPAL USES as requiring a Site Plan Special Permit and for all ACCESSORY USES thereto, or*

*2) where the NET FLOOR AREA of an existing BUILDING is increased 500 square feet or more for USES designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES, or*

*3) where a USE designated as requiring a Site Plan Special Permit on the Table of PRINCIPAL USES is expanded in ground area by 500 square feet or more of either impervious material, open storage or any area of the site devoted to the conduct of the PRINCIPAL or ACCESSORY USE.]*

B. Insert a new section 10.4.3.11 as follows:

10.4.3.11 Special Provisions Applicable to the EAV District – In the EAV District the site and BUILDING design shall be in compliance with Section 5.5B of this Bylaw.

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 34                      AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**  
**(Two-thirds vote)            EAV-2 DISTRICT**

To see if the Town will vote to amend the zoning map and bylaw, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. **Zoning Map, Map No.1.** Rezone to East Acton Village 2 (EAV-2) the following parcels of land identified by their 2003 Town Atlas Map and Parcel numbers [*Street addresses and current zoning designation are shown for reference purposes only*].

<b>Map</b>	<b>Parcel</b>	<b><i>Present</i></b>	<b><i>Street Address</i></b>
F-4	54	<i>LB</i>	<i>136 Great Rd</i>
F-4	67	<i>LB</i>	<i>134 Great Rd</i>
F-4	67-1	<i>LB</i>	<i>132 Great Rd</i>
F-4	69*	<i>LB / R-8</i>	<i>129 &amp; 133 Great Rd</i>
F-4	69-1	<i>LB / R-8</i>	<i>125 Great Rd</i>
F-4	104	<i>LB</i>	<i>128 Great Rd</i>
G-4	10	<i>LB</i>	<i>126 Great Rd</i>
G-4	143	<i>SM</i>	<i>13 Wetherbee St</i>
G-5	82	<i>SM</i>	<i>18 Wetherbee St</i>
G-5	82-1	<i>SM</i>	<i>30 &amp; 30A Great Rd</i>
G-5	83**	<i>SM / EAV</i>	<i>1-13 Keefe Rd</i>
G-5	90	<i>SM</i>	<i>19 Keefe Rd</i>
G-5	92	<i>SM</i>	<i>21 Keefe Rd</i>
G-5	93	<i>SM</i>	<i>25 Keefe Rd</i>

\* Rezone to EAV-2 only that portion of parcel F-4/69 that is shown as Lot 1C on a Plan of Land in Acton, Massachusetts for Distinctive Acton Homes by Stamski and McNary, Inc., dated April 4, 2003 and endorsed by the Acton Planning Board as an Approval-Not-Required-Plan on May 27, 2003 (Engineering Department plan file #3668).



\*\* Rezone to EAV-2 only that portion of parcel G-5/83 that is presently zoned SM.

- B. **Zoning Bylaw – Section 2.** In section 2.1 insert the following new zoning district classification under the heading of Village Districts:

East Acton Village 2

EAV-2

- C. **Zoning Bylaw – Section 3.** In the Table of Principal Uses insert the following new EAV-2 column under the heading for Village Districts *[In the table below Y indicates that the use is allowed by right, N indicates that the use is prohibited, and SPA, SPS or SPP indicate that the use may be allowed by special permit.]*:

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
<b>3.2 GENERAL USES</b>		
3.2.1	Agriculture	Y
3.2.2	Conservation	Y
3.2.3	Recreation	N
<b>3.3 RESIDENTIAL USES</b>		
3.3.1	Single FAMILY Dwelling	Y
3.3.2	Single FAMILY Dwelling with One Apartment	Y
3.3.3	Two-FAMILY Dwelling	Y
3.3.4	Dwelling Conversions	SPA
3.3.5	Multifamily Dwelling	Y (3)
<b>3.4 GOVERNMENTAL INSTITUTIONAL &amp; PUBLIC SERVICE USES</b>		
3.4.1	Municipal	Y
3.4.2	Educational	Y
3.4.3	Religious	Y
3.4.4	Nursing Home	SPS
3.4.5	Public or Private Utility Facilities	SPS
3.4.6	Child Care Facility	Y
3.4.7	Other Public Use (4)	SPS
3.4.8	Full Service Retirement Community	SPS
3.4.9	Assisted Living Residence (5)	SPS
3.4.10	Wireless Communication Facility (6)	SPP
3.4.11	Commercial Education or Instruction	Y
<b>3.5 BUSINESS USES</b>		
3.5.1	Retail Store	Y

		VILLAGE DISTRICTS
PRINCIPAL USES		EAV-2
3.5.2	Office	Y
3.5.3	Health Care Facility	SPS (11)
3.5.4	Hospital, Medical Center	N
3.5.5	Restaurant (8)	SPS
3.5.6	Combined Business & Dwelling	Y
3.5.7	Hotel, Motel, Inn, Conference Center	SPS
3.5.8	Bed & Breakfast	SPS
3.5.9	Lodge or Club	SPS
3.5.10	Veterinary Care	SPS
3.5.11	Animal Boarding	N
3.5.12	Services	Y
3.5.13	Repair Shop, Technical Shop, Studio	Y
3.5.14	Building Trade Shop	Y
3.5.15	Commercial Recreation (9)	SPS
3.5.16	Commercial Entertainment	Y
3.5.17	Golf Course in Residential Districts	N
3.5.18	Cross-Country Skiing in Residential Districts	N
3.5.19	Vehicle Service Station	N
3.5.20	Vehicle Repair	N
3.5.21	Vehicle Body Shop	N
3.5.22	Vehicle Sale, Rental	N
3.5.23	Parking Facility	N
3.5.24	Transportation Services	N
3.5.25	Adult Uses	N
<b>3.6 INDUSTRIAL USES</b>		
3.6.1	Warehouse	N
3.6.2	Distribution Plant	N
3.6.3	Manufacturing	N
3.6.4	Scientific	N

and insert the following new footnotes:

- (3) Not more than four DWELLING UNITS shall be permitted per multifamily dwelling.
- (11) No special permit shall be required for this USE if its NET FLOOR AREA is 5000 square feet or less.

and renumber existing footnotes (3) through (9) to become footnotes (4) through (10) respectively.

- D. **Zoning Bylaw – Section 5.** In the Table of Standard Dimensional Regulations, insert the following entry for EAV-2:

Zoning Districts	Minimum LOT Area in sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
EAV-2	15,000	50	NR	10	10 (1)	35%	0.20	36

And add at the end of footnote (1) the words “and EAV-2”.

*[Note: Footnote (1) currently reads:*

*(1) Where a nonresidential USE abuts a residential district the yard or yards abutting the residential district shall be 20 feet in WAV, 30 feet in NAV and 30 feet in EAV.]*

**E. Zoning Bylaw – Section 6.** Insert a new section 6.9.3 as follows:

6.9.3 In the EAV-2 District, the following special provisions for parking shall apply:

- a) Connection of Parking – A Special Permit Granting Authority shall require that all parking facilities be connected by a common driveway to the parking facilities of all adjacent USES and to all adjacent land in the EAV, EAV-2, and LB zoning districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking facility shall be designed to provide for the future construction of common driveways. For the purposes of this Section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.
- b) Collective Use of Parking Facilities – Off-STREET parking facilities may serve, collectively or jointly, different USES located throughout the same zoning district where such a collective use of the parking facility is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking facility. In the case of such collective use of a parking facility, the minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1.

and renumber existing sections 6.9.2, 6.9.3, and 6.9.4, including their subsections, to become sections 6.9.4, 6.9.5, and 6.9.6, including their subsections, respectively.

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 35**  
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN  
OPTIONS FOR DENSITY INCREASES IN EAV**

To see if the Town will vote to amend the zoning bylaw, section 5, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Insert a new section 5.5B.2 as follows:

5.5B.2 Variable Density Provisions for the East Acton Village Districts

5.5B.2.1 Purpose – The purposes of this section are to better distinguish the East Acton Village District visually and aesthetically from the rest of the development along Great Road (Route 2A); to keep it compact; to maintain its historic structures; to increase business variety; to promote a pedestrian-friendly village environment; to encourage affordable housing; and to promote environmentally sustainable designs and construction methods. The density incentives offered in this section are intended to entice property owners to redevelop their properties in accordance with the design provisions of the previous Section 5.5B.1, and to help overcome redevelopment obstacles, such as cost of redevelopment and loss of income during construction time. Vehicle parking, OPEN SPACE, and waste water management requirements impact the development potential of properties in different ways. Therefore, not all properties may be able to achieve the maximum density level set forth in this section. Density in the East Acton Village District shall not be considered as an end in itself, but as a prerequisite to achieve the critical mass required for a vibrant village.

5.5B.2.2 Variable Density Options – For a LOT in the East Acton Village District, the Board of Selectmen may grant a Special Permit for increases in density by allowing additional NET FLOOR AREA above the FLOOR AREA RATIO of 0.20 set forth in the Table of Standard Dimensional Regulations. To increase the density, the options a) through d) set forth below may be selected and combined in a flexible manner to increase the NET FLOOR AREA up to a maximum FLOOR AREA RATIO of 0.50 on the LOT. To the extent that this Special Permit may coincide or overlap with other special permits from the Board of Selectmen in other Sections of this Bylaw, they shall be processed concurrently so far as practical:

- a) Transfer of Development Rights – Density on the LOT may be increased through the Transfer of Development Rights according to one or more of the methods, procedures, and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.20 on the LOT:
  - i. Transfer of Development Rights under Section 5.4 – Transfer of Development Rights from the Sending District as defined in Section 5.4.2.2 to a receiving LOT in the East Acton Village District subject to the provisions for such transfers set forth in Section 5.4 and its subsections of this Bylaw.
  - ii. Transfer of Development Rights within the East Acton Village Districts - Transfer of Development Rights from a sending LOT within the East Acton Village District or the East Acton Village 2 (EAV-2) District to a receiving LOT in the East Acton Village District. The effect of such a transfer shall be an increase in NET FLOOR AREA on the receiving LOT compensated by an equal reduction in the maximum NET FLOOR AREA, and the concurrent maximum FAR, on the sending LOT, subject to the bonus provision iii. below.

- iii. Bonus for Certain Transfers – Where the receiving LOT within the East Acton Village District is located on the east side of Great Road, and the sending LOT is located in the East Acton Village District on the west side of Great Road or within the East Acton Village 2 (EAV-2) District, and the sending LOT contains or has stream frontage on Nashoba Brook, the receiving LOT shall be entitled to a 25% density bonus on the transferred NET FLOOR AREA. However, this bonus shall not result in exceeding the maximum FAR 0.20 factor allowed for receiving LOTS in Section 5.5B.2.2.a). For example, under this bonus, an additional 1,250 square feet of NET FLOOR AREA on the receiving LOT requires the purchase of only 1,000 square feet of NET FLOOR AREA from the sending LOT. 250 square feet constitutes the bonus.
  - iv. Determination of Development Rights for affected LOTS under Sections ii. and iii. above – Before granting a Special Permit for the Transfer of Development Rights under Section ii. or iii. above, the Board of Selectmen shall determine the total development rights for all LOTS to be affected by the proposed transfer, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, counting any development rights previously added or removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
  - v. The Board of Selectmen shall require that, upon transfer of the development rights authorized in its special permits, the owner of the sending LOT shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the sending LOT. The covenant shall restrict the sending LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
  - vi. Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the East Acton Village and East Acton Village 2 Districts.
- b) Historic Preservation – Density on the LOT may be increased if the proposed development includes the restoration or preservation of a historic STRUCTURE on the LOT, subject to the requirements and penalties set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
- i. Detailed Proposal – The application for a Special Permit to increase density shall include a detailed proposal for the restoration or preservation of a historic STRUCTURE, including architectural drawings, building materials, cost estimates, and an architect's opinion regarding its feasibility and risks.
  - ii. Historical Commission Certification – The application for a Special Permit to increase density shall include a written certification from the Acton Historical Commission that the STRUCTURE is included in Acton's Cultural Resources

Inventory or that the completion of a survey leading to its inclusion is pending.

- iii. Historical Commission Recommendation – The application for a Special Permit to increase density shall include a written recommendation from the Acton Historical Commission stating its support for the restoration or preservation of the STRUCTURE and the methods to achieve it.
  - iv. Performance Guarantee to Secure Preservation Commitment – In granting a Special Permit to increase density under this Section, the Board of Selectmen may require a performance guarantee to secure the restoration or preservation of the historic STRUCTURE.
  - v. Penalty – The intentional demolition of a historic STRUCTURE, for which the Acton Historical Commission certifies that it is included in Acton's Cultural Resources Inventory or that the completion of a survey leading to its inclusion is pending, shall result in the prohibition of any and all density increases available under this Bylaw on the subject LOT for a period of 25 years following the demolition. However, this penalty shall not apply, where the Acton Historical Commission has, prior to the demolition, provided its written consent to the demolition in accordance with its authority and jurisdiction under Chapter N of the Bylaws of the Town of Acton.
- c) Affordable Housing – Density on the LOT may be increased if the proposed development includes at least 1 affordable DWELLING UNIT or 10% affordable DWELLING UNITS on the LOT, whichever is greater, subject to the standards and requirements set forth in the following subsections. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.10 on the LOT.
- i. The term “affordable DWELLING UNIT” as used in this Section shall mean a DWELLING UNIT that is restricted to sale, lease or rental to persons or households within specific income and asset limitations, and at specific price limits, both as established in provisions of any State or Federal rental assistance programs, subsidy programs for reducing mortgage payments, or other programs that provide for affordable housing for low and moderate income persons or households, and that are in effect at the time that the Board of Selectmen receive the Special Permit application.
  - ii. Affordability Standards – Subject to the Board of Selectmen's approval, an applicant for a density bonus under this option may utilize an available State or Federal assistance program or choose to meet affordability requirements by utilizing income and asset standards, and by establishing rents, leases, sales prices, entry fees, condominium fees, and other costs for affordable DWELLING UNITS that are generally consistent with available affordable housing assistance programs.
  - iii. Affordability Restrictions – Affordable DWELLING UNITS shall be maintained as such in perpetuity. Each affordable DWELLING UNIT shall be rented or sold to its initial and all subsequent buyers or tenants subject to deed riders, restrictive covenants, contractual agreements, or other mechanisms restricting the USE and occupancy, rent levels, sales prices, resale prices, and other cost factors to assure their long term affordability. These restrictions shall be in force for perpetuity. They shall be enforceable and renewable by the Town of Acton through standard procedures provided by applicable law.

- iv. The Board of Selectmen may require that the restrictions for affordable DWELLING UNITS contain a Right of First Refusal to the Town of Acton or its designee at the restricted resale value, and that the owner provides notice of such Right of First Refusal to the Town of Acton or its designee prior to selling the affordable DWELLING UNITS with adequate time for the Town or its designee to exercise the Right of First Refusal.
  - v. Nothing in this Section shall be construed to cause eviction of an owner or tenant of an affordable DWELLING UNIT due to loss of his/her income eligibility status during the time of ownership or tenancy. Rather, the restrictions governing an affordable DWELLING UNIT shall be enforced upon resale, re-rental, or re-lease of the affordable DWELLING UNIT. The mechanisms and remedies to enforce the restrictions governing an affordable DWELLING UNIT upon resale, re-rental, or re-lease shall be set forth in its deed restrictions.
  - vi. All contractual agreements with the Town of Acton and other documents necessary to insure the long term affordability of an affordable DWELLING UNIT shall be executed prior to the issuance of any building permit that will implement the increase in density authorized under the Special Permit.
  - vii. Locations and compatibility of affordable DWELLING UNITS – Affordable DWELLING UNITS shall be dispersed throughout the development to insure a true mix of market-rate and affordable DWELLING UNITS. The exterior of affordable DWELLING UNITS shall be compatible with, and as much as possible indistinguishable from, market-rate DWELLING UNITS on the same LOT. All internal design features of affordable DWELLING UNITS shall be substantially the same as those of market-rate DWELLING UNITS.
  - viii. Local Preference – To the maximum extent practical and subject to applicable Federal or State financing or subsidy programs, the affordable DWELLING UNITS shall be initially offered to qualified low and moderate income households that meet local preference criteria established from time to time by the Town of Acton or the Acton Community Housing Corporation. Procedures for the selection of purchasers and/or tenants shall be subject to approval by the Town of Acton or its designee. The local preference restriction shall be in force for 120 days from the date of the first offering of sale or rental of a particular affordable DWELLING UNIT. The applicant shall make a diligent effort to locate eligible purchasers or renters for the affordable DWELLING UNIT who meet the local preference criteria and the applicable income requirements.
  - ix. Timing of construction – As a condition of the issuance of a Special Permit under this Section, the Board of Selectmen may set a time or development schedule for the construction of affordable DWELLING UNITS and market-rate DWELLING UNITS on the LOT.
- d) LEED certification – Density on the LOT may be increased if the proposed development is certified under the United States Green Building Council's LEED (Leadership in Energy and Environmental Design) program. The amount of NET FLOOR AREA that is added under this option shall not exceed the equivalent of a FLOOR AREA RATIO of 0.05 on the LOT. To qualify for the density bonus for LEED certification in the East Acton Village District, a project would have to meet the LEED standards for New Construction & Major Renovation Projects.

- B. In the Table of Standard Dimensional Regulations, delete footnote (4) and replace it with a new footnote (4) in the same locations and in the line for the EAV-2 District and the column under Maximum Floor Area Ratio, to read as follows:

(4) In the EAV District, subject to the provisions in Sections 5.4 and 5.5B.2. In the EAV-2 District, subject to the provisions in Section 5.5B.2. In the NAV District, subject to the provisions in Section 5.4 and 5.5C. In the LB District, subject to the provisions in Section 5.4.

- C. Delete sections 5.5.3 and its subsections, and section 5.5.5, and replace them with a new section 5.5C and new subsections as follows:

*[Note: Existing section 5.5.3 and its subsection are identical to the proposed section 5.5C.1 and its subsections, except that all references to the East Acton Village District have been deleted. Existing section 5.5.5 is identical to the proposed section 5.5C.2, except for the new section title. No changes are proposed for the North Acton Village District.]*

#### 5.5C Special Provisions for the North Acton Village District

##### 5.5C.1 Variable Density Provisions for the North Acton Village District

5.5C.1.1 Purpose – These provisions are intended to permit flexible density levels for individual LOTS in the North Acton Village District, while maintaining an overall ceiling on total NET FLOOR AREA. The purpose of permitting variable density levels is to permit further clustering of USES in a compact village pattern, while limiting total traffic generation and providing for sufficient OPEN SPACE and off-STREET parking areas. The provisions should be interpreted as permitting the Transfer of Development Rights within the North Acton Village District, but not as permitting an increase in the total amount of maximum development in that District.

##### 5.5C.1.2 Transfer of Development Rights Within the North Acton Village District

- a) For a LOT in the North Acton Village District, the Board of Selectmen may grant a Special Permit for the Transfer of Development Rights within the District. The effect of such Special Permit shall be to permit an increase in NET FLOOR AREA above the total amount permitted by:
- i. **the applicable maximum FLOOR AREA RATIO set forth in the Table of Standard Dimensional Regulations, and**
  - ii. **if applicable, any Certificate of Development Rights previously transferred to the LOT from within or from outside the District.**
- b) Any such increase in NET FLOOR AREA shall be compensated by an equal reduction in the maximum NET FLOOR AREA for another LOT in the North Acton Village District.

5.5C.1.3 Standards of Review – In deciding on the merits of a proposal for Transfer of Development Rights within the North Acton Village District, the Board of Selectmen shall consider the following criteria and objectives:

- a) Increased density on a LOT should support a sense of community through a concentration of a variety of USES; therefore, density increases should be granted only where such concentrations are compatible with surrounding USES. The implementation of this provision should tend to facilitate the development of a viable village center through the grouping of higher density



USES around an identifiable core, such as a plaza, common or other municipal facility.

- b) In addition, the Transfer of Development Rights should serve a public purpose on the LOT from which development rights are to be transferred, by providing shared off-STREET parking, usable public or semi-public OPEN SPACE or other public amenities.
- c) The Board of Selectmen shall grant a Special Permit for the Transfer of Development Rights within the North Acton Village District only if it can make appropriate findings that the criteria and objectives of a) and b) are promoted by granting the transfer.

#### 5.5C.1.4 Administration

- a) Determination of Development Rights for Affected LOTS – Before granting a Special Permit under Section 5.5C.1, the Board of Selectmen shall determine the development rights for all LOTS to be affected by the proposed transfer. The Special Permit shall specify the residential, nonresidential, and total development rights for each LOT, expressed in NET FLOOR AREA as computed in Section 10.4.3.8 of this Bylaw, less any development rights previously removed from such LOTS. The application for a Special Permit under this Section shall contain sufficient information to permit the Board of Selectmen's determination of the development rights that may be transferred.
- b) The Board of Selectmen shall require that upon Transfer of the Development Rights authorized in its special permits, the owner of a LOT from which development rights have been removed, shall file with the Middlesex South District Registry of Deeds or the Land Court (as applicable) an irrevocable restrictive covenant, approved by the Board of Selectmen, running with the land, permanently restricting the development of the LOT. The covenant shall restrict the LOT by the amount of development rights transferred to another LOT, permitting only the amount of development rights that remain on the LOT, if any, all as specified in the Special Permit authorizing the transfer.
- c) Implementation of Transfer – Following the approval of a Special Permit under this Section, the applicant shall complete the transfer procedures set forth in Sections 5.4.4 and 5.4.5, except that the formulas in Section 5.4.4.2 shall not apply to transfers within the North Acton Village District.

#### 5.5C.2 STREET reservations in the North Acton Village District – In the North Acton Village District, a Special Permit or Site Plan Special Permit Granting Authority may require the reservation of STREET rights of way for all purposes, for which public STREETS and ways are used in the Town of Acton. It may further require that new STREETS be constructed following approval in accordance with MGL Ch. 41, s. 81K - 81GG and the Acton Subdivision Rules and Regulations to connect with existing approved STREETS. Where such STREET rights of way are reserved, the FLOOR AREA RATIO on the remaining land shall be calculated by including the rights of way reserved hereunder, including any necessary easements, in the DEVELOPABLE SITE AREA.

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION TO AMEND:**

Mr. Davis Hardt moves to amend section 5.5B.2.2 by replacing the words “may be selected and combined” to must be selected and can be combined” in line 5.

**MOTION TO AMEND IS LOST**

**ORIGINAL MOTION CARRIES UNANIMOUSLY**

**ARTICLE 36**

(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN**

**EAV DISTRICT PARKING REQUIREMENTS**

To see if the Town will vote to amend the zoning bylaw, section 6, as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

- A. Delete section 6.9.1 and its subsections, and replace them with the following new sections 6.9.1 and 6.9.2.

6.9.1 In the EAV District, except as otherwise provided herein, no BUILDING or STRUCTURE shall be located on any LOT and no activity shall be conducted upon any LOT unless off-STREET parking is provided in accordance with the following requirements:

6.9.1.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET, except as may be provided otherwise in the Design Provisions for the East Acton Village District.

6.9.1.2 Required off-STREET parking for a USE may be provided on any LOT within the same Zoning District as the USE, but not necessarily on the same LOT as the USE.

6.9.1.3 Connection of Parking – A Special Permit Granting Authority shall require that all parking lots be connected by a common driveway to the parking lots of all adjacent USES and to all adjacent land in the EAV and EAV-2 Districts, unless it finds that physical constraints, present site configuration, uncooperative abutters, or land vacancy precludes strict compliance. In such cases, the site and the parking lot shall be designed to provide for the future construction of common driveways. For the purposes of this section, common driveway shall be defined as a driveway that is shared by two or more LOTS and located at least partially within the required setback areas of such LOTS. Such a common driveway can be either a shared ACCESS driveway to a STREET, or a driveway to a STREET, or a driveway connecting such LOTS with each other.

6.9.1.4 Number of Parking Spaces – The minimum number of required parking spaces shall be 70% of the requirements in Section 6.3.1. In the case of collective use of a parking lot in accordance with Section 6.9.1.5 below, the minimum number of required parking spaces shall be 50% of the requirements in Section 6.3.1.

6.9.1.5 Collective Use of Parking Lots – Off-STREET parking lots may serve, collectively or jointly, different USES located throughout the EAV District where such a collective use of the parking lot is based on a written agreement that: 1) assures the continued collective use; 2) states the number of parking spaces allocated to each participating USE; and 3) assures ACCESS to and maintenance of the common parking lot. The parking spaces provided through the collective use of parking lots shall be counted

towards the minimum required number of spaces for the participating USES applying the discount as set forth in Section 6.9.1.4 above.

6.9.1.6 Structured Parking shall not be allowed except under ground.

6.9.1.7 The parking lot design requirements of Section 6.7 shall apply in the EAV District, except that:

- a) The requirements for parking lot cells and separation of cells (Section 6.7.1) shall not apply.
- b) The requirements for set-backs (Section 6.7.2) shall not apply. This does not waive the requirements for perimeter landscaping (Section 6.7.6).
- c) The interior area landscaping (Section 6.7.7) may be substituted with one or more consolidated bioretention areas with minimum side dimensions measuring at least 38 X 12 feet each. Bioretention areas shall be designed and landscaped to trap and mitigate runoff from paved surfaces consistent with the description and intent of EPA Storm Water Technology Fact Sheet – Bioretention (EPA 832-F-99-012, September 1999), or equivalent. The landscaping requirements of Sections 6.7.8.1 through 6.7.8.5 shall not apply to bioretention areas. Bioretention areas may be sited anywhere in the parking lot that is convenient to manage parking lot traffic and facilitate pedestrian use, including adjacent to and connecting with vegetated areas on the perimeter of a parking lot. Bioretention areas shall be considered part of the minimum required OPEN SPACE.

6.9.2 In the NAV District, the following special provisions for parking shall apply:

6.9.2.1 No off-STREET parking spaces shall be established between the front line of the principal BUILDING and the sideline of a STREET.

6.9.2.2 The Board of Selectmen may authorize by Special Permit an off-STREET parking lot or STRUCTURE not located upon the same LOT with the associated USE, provided said parking lot or STRUCTURE lies also within the NAV District.

B. Delete section 5.5.4 and insert a new section 6.9.2.3 as follows:

6.9.2.3 The number of parking spaces to be provided for a mixed-USE development in the North Acton Village District shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.

*[Note: Section 5.5.4 currently reads:*

*5.5.4 Off-STREET Parking Discount for Mixed USES in the North Acton and East Acton Village Districts – The number of parking spaces to be provided for a mixed-USE development in the North Acton and East Acton Village Districts shall be equal to 85 percent of the sum of the number of parking spaces for each USE on the LOT, determined separately for each USE based upon the standards set forth in Section 6.]*

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 37**  
(Two-thirds vote)

**AMEND ZONING BYLAW – EAST ACTON VILLAGE PLAN  
MODIFIED SIGN REGULATIONS FOR EAV**

To see if the Town will vote to amend section 7 of the zoning bylaw as follows [*Notes in italic print are not part of the article but are intended for explanation only*]:

A. Delete section 7.4.1 and replace it with a new section 7.4.1 as follows:

- 7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based products, or sheet metal, except that in the EAV District such materials may be used provided that the visible portions and exterior surfaces of a SIGN have a wooden appearance.

*[Note: Section 7.4.1 currently reads:*

*7.4.1 Design – In the Village Districts no visible portion or exterior surface of any SIGN shall be made of plastic, other petroleum based product or sheet metal.]*

B. Delete section 7.4.3.5 and replace it with new sections 7.4.3.5 and 7.4.3.6 as follows:

- 7.4.3.5 In the EAV District, PROJECTING SIGNS, AWNING SIGNS, WALL SIGNS and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), or from an external light source with the light projected downward from above.

- 7.4.3.6 In all other Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.

And, renumber existing sections 7.4.3.6 and 7.4.3.7 to become sections 7.4.3.7 and 7.4.3.8 respectively.

*[Note: Section 7.4.3.5 currently reads:*

*7.4.3.5 In the Village Districts, PROJECTING SIGNS and AWNING SIGNS shall not be illuminated, WALL SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c), and FREESTANDING SIGNS shall not be illuminated except as described in Sections 7.4.3.4 b) or c) or from an external light source.]*

C. Delete section 7.4.5.1 and replace it with a new section 7.4.5.1 as follows:

- 7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN. However, in the EAV District, a combination of up to three such SIGN types shall be permitted per PRINCIPAL USE. This section does not apply to any SIGN that does not require a SIGN Permit as listed in Section 7.5, or to an off-premises directional SIGN permitted under Section 7.9, or to a special event SIGN permitted under Section 7.10.

*[Note: Section 7.4.5.1 currently reads:*

*7.4.5.1 Where more than one SIGN is permitted for a PRINCIPAL USE, a combination of not more than two of the following types of SIGNS shall be permitted per PRINCIPAL USE: WALL SIGN, PROJECTING SIGN, AWNING SIGN, and FREESTANDING SIGN; not including any SIGN which does not require a SIGN*

*Permit as listed in Section 7.5 or an off-premises directional SIGN permitted under Section 7.9 or a special event SIGN permitted under Section 7.10.]*

- D. Delete the 5<sup>th</sup> sentence of section 7.7.6 and replace it with the following new sentence:

*“Except in the EAV District, if the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same PRINCIPAL USE.”*

*[Note: The 5<sup>th</sup> sentence of section 7.7.6 currently reads:*

*“If the AWNING SIGN is ERECTED on an awning manufactured with canvas on a frame that is retractable to the wall, one additional EXTERIOR SIGN, which may be a WALL SIGN or a PROJECTING SIGN, shall be permitted on the BUILDING for the same business USE.”]*

- E. Before the last sentence of section 7.7.7 insert the following sentence:

*“In the EAV District, an additional secondary EXTERIOR SIGN shall be permitted on the front wall of the PRINCIPAL USE, provided that it is of a different type (WALL SIGN, PROJECTING SIGN, or AWNING SIGN) than any other SIGN on the front wall.”*

*[Note: Section 7.7.7 currently reads:*

*7.7.7 Secondary EXTERIOR SIGNS – If a business has a direct entrance into the business in a wall other than the front wall, there may be a secondary WALL SIGN, PROJECTING SIGN or AWNING SIGN affixed to such wall at such entrance; and if the business has a wall other than the front wall without a direct entrance to the business that faces upon a STREET or parking area, there may be a secondary WALL SIGN affixed to such wall; provided, however, that no business shall have more than two secondary EXTERIOR SIGNS in any event. The DISPLAY AREA of any secondary EXTERIOR SIGN shall not exceed 6 square feet.]*

- F. Delete the first sentence in section 7.8.6.2 and replace it with the following new sentences:

*“Where a FREESTANDING SIGN identifies a business in the NAV, SAV, or WAV Districts, no EXTERIOR SIGN shall be ERECTED on the same LOT. Where a FREESTANDING SIGN identifies a business in the EAV District, one EXTERIOR SIGN shall be permitted.”*

*[Note: Section 7.8.6.2 applies to village zoning districts. Its first sentence currently reads:*

*“Where a FREESTANDING SIGN identifies a business, no EXTERIOR SIGN shall be ERECTED on the same LOT.”]*

, or take any other action relative thereto.

**MOTION:**

**Ms. Williams** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 39                      AMEND ZONING BYLAW – SOUTH ACTON VILLAGE DISTRICT**  
**(Two-thirds vote)            MULTI-FAMILY DWELLINGS**

To see if the Town will vote to amend the zoning bylaw, section 3, by adding to footnote (2) in the Table of Principal Uses the following sentence *[Notes in italic print are not part of the article but are intended for explanation only]*:

"In the SAV district, the Board of Selectmen may by Special Permit allow more than four DWELLING UNITS per Multifamily Dwelling."

*[Note: Footnote (2) applies to Multifamily Dwellings in the South Acton Village (SAV) district and the Village Residential (VR) district in West Acton. It currently reads as follows:*

*(2) Not more than four DWELLING UNITS shall be permitted per Multifamily Dwelling. At least one of the DWELLING UNITS shall be occupied by the owner of the property. For purposes of this footnote, the owner shall be defined as one or more individuals residing in a DWELLING UNIT who hold legal or beneficial title and for whom the DWELLING UNIT is the primary residence for voting and tax purposes. In the VR District a Site Plan Special Permit shall not be required.]*

, or take any other action relative thereto.

**MOTION:**

**Mr. Niemyski** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 40                      AMEND ZONING BYLAW**  
**(Two-thirds vote)            ADJUSTMENTS TO SECTION 9B – SENIOR RESIDENCE**

To see if the Town will vote to amend section 9B of the zoning bylaw as follows: *[Notes in italic print are not part of the article but are intended for explanation only]*:

A. Insert a new section 9B. 2.3 as follows:

9B.2.3 Underlying Zoning District – Where the Planning Board grants a special permit for a Senior Residence, the USE, dimensional, and parking requirements applicable to the underlying zoning district shall not apply.

B. Insert a new section 9B.4.3 as follows:

9B.4.3 Two-FAMILY Dwellings.

And, renumber existing sections 9B.4.3 through 9B.4.7 to become sections 9B.4.4 through 9B.4.8 respectively.

*[Note: Section 9B.4 and its subsections currently read:*

*9B.4 Allowed USES – Only the following USES shall be allowed in a SENIOR Residence development:*

*9B.4.1 Single FAMILY Dwellings.*

*9B.4.2 Single FAMILY Dwellings with one apartment.*

*9B.4.3 Multifamily Dwellings.*

*9B.4.4 ACCESSORY USES typically associated with residential USES.*

- 9B.4.5 *Support services to meet SENIORS' needs, such as skilled nursing service, medical and other health service, recreation and leisure facilities, a community center, or food service.*
- 9B.4.6 *Convenience services intended primarily for its residents, such as Retail Stores, Banks, Restaurants, and Services provided that not more than 10% of the total NET FLOOR AREA of the development is dedicated to such uses.*
- 9B.4.7 *Allowed USES on the Common Land as set forth herein.]*

C. Delete section 9B.5 and its subsections 9B.5.1 through 9B.5.10 and replace them with a new section 9B.5 and new subsections as follows:

- 9B.5 Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:
  - 9B.5.1 Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.
  - 9B.5.2 Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.
  - 9B.5.3 Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET within the site; 30 feet from any TRACT OF LAND boundary; and 10 feet from the Common Land boundary, except that the Planning Board may require larger setbacks.
  - 9B.5.4 Minimum separation of BUILDINGS: 20 feet for exterior walls with doors, otherwise 10 feet.
  - 9B.5.5 Maximum height of BUILDINGS and STRUCTURES: 36 feet.
  - 9B.5.6 Maximum horizontal dimension of a BUILDING: 200 feet.
  - 9B.5.7 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.

*[Note: Section 9B.5 and its subsections currently read:*

- 9B.5 *Dimensional Regulations – A SENIOR Residence development shall comply with the following dimensional regulations for the area of the TRACT OF LAND, density, BUILDINGS, and STRUCTURES:*
  - 9B.5.1 *Minimum TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.*
  - 9B.5.2 *Maximum density: 4 DWELLING UNITS per acre in the R-2 District, and 3 DWELLING UNITS per acre in the R-4, R-8, R-8/4, and R-10/8 Districts, based on the total development site including the Common Land.*
  - 9B.5.3 *Minimum setbacks for BUILDINGS and STRUCTURES: 45 feet from any existing STREET; 15 feet from a STREET, way or common drive within the site; 30 feet from any lot line and the Common Land boundary.*
  - 9B.5.4 *Minimum separation of BUILDINGS: 20 feet.*
  - 9B.5.5 *Maximum height of BUILDINGS and STRUCTURES: 36 feet.*
  - 9B.5.6 *Maximum number of DWELLING UNITS per BUILDING: 4.*
  - 9B.5.7 *Maximum horizontal dimension of a BUILDING: 200 feet.*

*9B.5.8 Each DWELLING UNIT shall have at least two separate exterior entrances at ground level.*

*9B.5.9 Where the requirements of this section 9B differ from or conflict with other requirements of the Bylaw, the requirements established herein shall prevail.*

*9B.5.10 The Planning Board may impose other dimensional requirements as it deems appropriate to enhance the purpose and intent of this bylaw.]*

D. Delete paragraph 9B.9.1 and replace it with a new paragraph 9B.9.1 as follows:

9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:

*[Note: Section 9B.9.1 currently reads:*

*9B.9.1 Dimensional Requirements for the Common Land – In a SENIOR Residence development, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public. The following additional requirements shall apply:]*

E. Delete section 9B.9.1.2 and replace it with a new section 9B.9.1.2 as follows:

9B.9.1.2 Eighty percent (80%) of the minimum required Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each such Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide. The other twenty percent (20%) of the Common Land may be scattered throughout the development site for buffer, screening, or park purposes.

*[Note: Section 9B.9.1.2 currently reads:*

*9B.9.1.2 The minimum Common Land shall be laid out as one or more large, contiguous parcels that are distinct from parcels dedicated for other purposes or USES. Each Common Land parcel shall contain at least one access corridor to a STREET or way that shall be not less than 40 feet wide.]*

F. Delete section 9B.12.3 and replace it with a new section 9B.12.3 as follows:

9B.12.3 Density Bonus Option –

9B.12.3.1 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 6 per acre in the R-2 District, and to 4 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 10% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.

9B.12.3.2 The total number of allowable DWELLING UNITS in a SENIOR Residence development may be increased to 7 per acre in the R-2 District, and to 5 per acre in the R-4, R-8, R-8/4 and R-10/8 Districts provided that at least 15% of the DWELLING UNITS in the SENIOR Residence development are AFFORDABLE SENIOR RESIDENCES.



9B.12.3.3 Rounding to whole unit numbers shall be made to the nearest integer. When rounding, fractions of .5 shall be rounded up.

9B.12.3.4 The Planning Board may further adjust or waive the dimensional requirements of section 9B.5, the parking requirements of section 9B.6, and the Common Land requirements of 9B.9 to the extent reasonable and necessary to facilitate the production of affordable DWELLING UNITS under this density bonus option.

*[Note: Section 9B.12.3 currently reads:*

*Density Bonus Option – The total number of allowable DWELLING UNITS in a SENIOR Residence development may be doubled to 8 per acre in the R-2 District, and to 6 per acre in the R-4, R-8, R-8/4, and R-10/8 Districts provided that at least 20% of the DWELLING UNITS in the SENIOR Residence development, rounded to the next integer, are AFFORDABLE SENIOR RESIDENCES. When rounding, fractions of .5 shall be rounded up.]*

, or take any other action relative thereto.

#### **MOTION**

**Mr. Schaffner** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

#### **MOTION CARRIES UNANIMOUSLY**

#### **ARTICLE 41 \* AMEND ZONING BYLAW – HOUSEKEEPING**

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows *[Notes in italic print are not part of the article but are intended for explanation only]:*

- A. Amend the zoning map, Map No. 1, by rezoning from Residence 2 (R-2) to Village Residential (VR) an area of land shown in the 2003 Town Atlas on map F-2B as parcel 58.
- B. Amend the zoning map, Map No. 1, by rezoning from Residence 8 (R-8) to Residence 10/8 (R-10/8) an area of land shown in the 1993 Town Atlas on map F-5 as parcel 12-3.
- C. Amend the zoning bylaw by deleting sections 3.5.12 and 3.5.13 and replacing them with new sections 3.5.12 and 3.5.13 as follows:
  - 3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, diaper service, building cleaning service, funeral home, shoe repair, tailor, clothing rental shop, equipment rental or leasing, food catering, photocopying, secretarial service, or similar USES or establishments.
  - 3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.

*[Note: Sections 3.5.12 and 3.5.13 currently read as follows:*

*3.5.12 Services – Establishments providing services directly to the consumer such as a bank, credit union, barber shop, beauty salon, laundry, dry-cleaning, funeral home, shoe repair, clothing rental shop, equipment rental or leasing, or similar USES or establishments.*

*3.5.13 Repair Shop, Technical Shop, Studio – Repair and service of appliances, computers, office equipment, bicycles, lawn mowers, or similar small equipment; diaper service; building cleaning service; photocopying; secretarial service; tailor; food catering; photography or film studio; art studio; artisan's studio; music instruction or practice room; or similar USES or establishments.]*

- D. Amend the zoning bylaw, section 7.5, by deleting the last sentence of the lead paragraph and replacing it with the following new sentence:

“No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN, directional SIGN, or an EXTERIOR SIGN.”

*[Note: The lead paragraph of section 7.5 currently reads as follows:*

*7.5 SIGNS Which Do Not Require a SIGN Permit – The following SIGNS do not require a SIGN Permit or Special Permit, nevertheless such SIGNS shall comply with Sections 7.3 and 7.4 above unless specifically provided otherwise in this section. No such SIGN shall be ERECTED within 5 feet of the sideline of a STREET or any other right of way customarily used by the general public, unless such SIGN is a traffic SIGN, landmark SIGN or an EXTERIOR SIGN.]*

, or take any other action relative thereto.

**MOTION:**

**Mr. Halm** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**CONSENT MOTION CARRIES UNANIMOUSLY**

**ARTICLE 42**

(Two-thirds vote)

**AMEND ZONING BYLAW**

**AMEND AGRICULTURAL USE DEFINITION**

To see if the Town will vote to amend the zoning bylaw, by deleting the first two sentences of section 3.2.1 and replacing them with following new sentences:

“On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture (including without limitation the growing and keeping of nursery stock and the sale thereof, whether such nursery stock is grown in the ground or in burlap, containers, or other suitable manner, provided it is nourished, maintained and managed while on the premises); floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be subject to and in conformance with the definitions and requirements for these activities under MGL Ch. 40A, s. 3.

*[Note: Section 3.2.1 currently reads:*

*Agriculture – On a parcel of more than five acres: Agriculture, including the boarding, keeping or raising of livestock; horticulture; floriculture; or viticulture; the use of buildings and structures for the primary purpose of these activities, including the sale of farm products. All of the aforesaid shall be*

*in conformance with the definitions and requirements for these activities of MGL Ch. 40A, s. 3. On a parcel of two acres or more: Cultivating, harvesting and storing of field crops, produce or fruit, and storage of farm equipment that is necessary for these activities; the boarding, keeping and raising of not more than one horse, goat or sheep, plus its offspring up to one year of age.]*

, or take any other action relative thereto.

**MOTION:**

**Mr. Shupert** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**

**ARTICLE 43                    AMEND ZONING BYLAW – ARC DISTRICT CHANGES**

(Two-thirds vote)

To see if the Town will vote to amend the zoning map and the zoning bylaw as follows:

- A. Amend the zoning map, Map No. 1, by rezoning from General Industrial (GI) to Agriculture Recreation Conservation (ARC) an area of land shown in the 2003 Town Atlas on map F-3 as parcels 16 and 16-1.
- B. Amend the zoning bylaw, section 5, Table of Dimensional Regulations, by deleting the line for ARC and replacing it with a new line for ARC as follows *[Notes in italic print are not part of the article but are intended for explanation only. For reference purposes, where changes are proposed in the ARC district, the present designation is shown in brackets]:*

Zoning Districts	Minimum LOT Area In sq. ft.	Minimum LOT FRONTAGE in feet	Minimum LOT Width in feet	Minimum Front Yard in feet	Minimum Side & Rear Yard in feet	Minimum OPEN SPACE in percent	Maximum FLOOR AREA RATIO	Maximum Height in feet
ARC	NR	20	50	20	10	NR	NR	36
	<i>[80,000]</i>			<i>[45]</i>	<i>[20]</i>			

, or take any other action relative thereto.

**MOTION:**

**Mr. Ashton** moves that the Town adopt the Zoning Bylaw amendments as set forth in the Article.

**MOTION CARRIES UNANIMOUSLY**